

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ROBERT AUTHOR MILLER

Plaintiff,

v.

3:06-cv-88

JEFFERSON COUNTY JAIL and
SHERIFF DAVID DAVENPORT,

Defendants.

ORDER

This *pro se* prisoner's civil rights complaint under 42 U.S.C. § 1983 was dismissed and plaintiff filed a notice of appeal. Because the plaintiff did not pay the \$455.00 filing fee for an appeal nor did he submit the required documents for pauper status on appeal, plaintiff was given thirty (30) days to pay the full filing fee or to submit the necessary documents. Plaintiff has now submitted an application to proceed *in forma pauperis*.

It appears from the application that the plaintiff lacks sufficient financial resources to pay the \$455.00 filing fee. Accordingly, pursuant to 28 U.S.C. § 1915(b), plaintiff will be allowed to proceed on appeal without the prepayment of costs or fees or security therefor. The Clerk is **DIRECTED** to forward the record to the Clerk of the Court of Appeals for the Sixth Circuit. Plaintiff is herewith **ASSESSED** the \$455.00 fee for filing an appeal. The Clerk is **DIRECTED** to send a copy of this Order to the court's financial deputy.

There are also pending plaintiff's motion to reconsider the dismissal of his action and his motion to appoint a guardian ad litem to represent his interests in this matter [Court File Nos. 16 and 17, respectively]. Plaintiff's pending motions lack merit and they are **DENIED**.

E N T E R:

s/ Thomas W. Phillips
United States District Judge